

Information and objectives

This paper

This paper is about the two specific duties that schools have to undertake in relation to the Equality Act 2010:

- a) to publish information which shows they have due regard for equalities, as defined by the Act
- b) to publish at least one equality objective.

The information and objectives have to be published by 6 April 2012 at the latest.

The paper is not official. It does, however, aim to reflect accurately the guidance and intentions in statements by government ministers in the House of Commons (11 July 2011) and the House of Lords (6 September), and in publications issued during 2011 by the Government Equalities Office (GEO), particularly the [Explanatory Memorandum](#) about the new regulations that the GEO issued on 10 September 2011.

Further, the paper is wholly consistent with the quick-start guide issued by the Government Equalities Office on 21 October 2011 ([Equality Act 2010: the specific duties – what do I need to know?](#)), and with non-statutory advice issued by the Department for Education on 28 September 2011 in [Equality Act 2010: advice for school leaders, school staff, governing bodies and local authorities](#)

The regulations themselves came into force on 10 September 2011 and are known as [The Equality Act 2010 \(Specific Duties\) Regulations 2011](#).

Two guiding principles

An important principle underlying how schools respond to the specific duties is **proportionality**. This means that, for example, more information is expected from a large secondary school than from a small primary, and more than one equality objective is expected.

A second important principle is **flexibility**. This means that each individual school is permitted, and indeed expected, to interpret the legislation in ways which are appropriate to its own context, neighbourhood, history and circumstances.

Part One: Information showing the school has due regard for equalities

Each school has to publish information showing it is complying with the requirement (clause 149 of the Equality Act 2010) to have due regard for equalities. On the basis of this information each school also has to set itself at least one equality objective (see Part Two of this paper).

It is also on the basis of the information which a school publishes that parents, carers, local communities and equality organisations will hold the governing body to account.

The information which a school publishes must be accessible, in both senses: a) easy to find and b) easy for a non-specialist to understand.

How and where must the information be published? It is up to each school to decide this for itself. Suffice to say in a paper such as this, a school should probably use the same means of publishing that it uses for other important information. For many schools this

means the document will be on the school website and that a brief summary of it will be posted on notice-boards, and included in newsletters to parents and in the staff handbook.

What about confidentiality? Is it necessary to publish *all* relevant information, regardless of how sensitive it is or may be? The answer is that the requirements of the Data Protection Act 1998 will apply, and that normal conventions and rules relating to confidentiality will need to be observed. It follows that not all the relevant information that a school gathers has to be placed in the public domain. For example, it would not be appropriate to publish information which enables individual pupils or members of staff to be identified. Nor, as a general rule, would it be appropriate to publish information that could be maliciously used to harm a school's reputation.

What sort of information will count as showing that a school has due regard for equalities, and that it is willing for others to hold it to account? By and large, each school is permitted and encouraged to answer this question in its own way, according to its own circumstances. However, the government has indicated that minimally every public body must provide demographic information about its service users, and must show that it is aware of different outcomes and inequalities amongst them.

In the case of schools, therefore, information needs to be given about the pupil population broken down by ethnicity and gender, and about significant differences in attainment between girls and boys, and between pupils of different ethnic backgrounds.

It is reasonable to assume that demonstrating due regard will involve schools making statements such as those listed below, and illustrating them with examples and further information. The first four are mandatory.

Data about the school population and differences of outcome

1. The school has data on its composition broken down by year group, ethnicity and gender, and by proficiency in English.
2. The school has data on its composition broken down by types of impairment and special educational need.
3. The school has data on inequalities of outcome and participation connected with ethnicity, gender and disability, and with proficiency in English.
4. The school uses data on inequalities of outcome and involvement when setting itself objectives for achievable and measurable improvements.

Documentation and record-keeping

5. There are statements of the school's responsibilities under the Equality Act in various school documents, for example the school improvement plan and self-evaluation papers, the prospectus, routine bulletins and newsletters, and occasional letters to parents.
6. There are references to the school's responsibilities under the Equality Act in the minutes of governors' meetings, staff meetings and senior leadership team meetings, and in the minutes of the School Council.
7. Before introducing important new policies or measures, the school carefully assesses their potential impact on equalities, positive or negative, and keeps a record of the analysis and judgements which it makes.

Responsibilities

8. A senior member of staff has special responsibility for equalities matters.
9. A member of the governing body has a watching brief for equalities matters.

Staffing

10. The school's programme for continuing professional development (CPD) includes reference to equalities matters, both directly and incidentally.
11. There is good equal opportunities practice in the recruitment and promotion of staff, both teaching and administrative.

Behaviour and safety

12. There are clear procedures for dealing with prejudice-related bullying and incidents.
13. Surveys and focus groups show that most pupils feel safe from all kinds of bullying.

Curriculum

14. Focused attention is paid to the needs of specific groups of pupils, for example those who are learning English as an additional language, and there is extra or special provision for certain groups, as appropriate
15. There is coverage in the curriculum of equalities issues, particularly with regard to tackling prejudice and promoting community cohesion and mutual understanding
16. There are activities across the curriculum that promote pupils' spiritual, moral, social and cultural development.
17. The school takes part in certain national projects and award schemes, for example the Accord Coalition Inclusivity Award; Black History Month; Bullying Intervention Group; Disability History Month; Equalities Award; Gypsy, Roma and Traveller History Month; LGBT History Month; Refugee Week; Rights Respecting Schools Award; Stephen Lawrence Education Standard; and Stonewall School Champions.
18. In curriculum materials in all subjects there are positive images of disabled people; of gay and lesbian people; of both women and men in non-stereotypical gender roles; and of people from a wide range of ethnic, religious and cultural backgrounds.

Consultation and involvement

19. The school has procedures for consulting and involving parents and carers, and for engaging with local groups and organisations, and has regard in these for the concerns and requirements of the Equality Act.
 20. The school has procedures for finding out how pupils think and feel about the school, and has regard in these for the concerns of the Equality Act.
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Part Two: setting objectives

Introductory notes

Equality objectives have to be specific and measurable, and to be outcome-focused, as distinct from being focused primarily on making improvements in provision, crucially important though such improvements are.

This means the vast majority of equality objectives are likely to be about the closing and narrowing of gaps in attainment and take-up, or else about fostering good relations. Some examples of such objectives are cited below.

Further, equality objectives have to be related to matters highlighted in the information which a school publishes to demonstrate compliance with the public sector equality duty (PSED), as outlined in Part One of this paper.

The legal requirement is to publish at least one objective. A single objective might well be sufficient in a very small rural primary school. It would probably be difficult or impossible for an urban primary school, or for a secondary school, to claim that a single objective shows it is taking the public sector equality duty (PSED) seriously.

The actual number of objectives which a school adopts is probably less important than the seriousness and rigour with which it undertakes them. Later in this paper, there is a set of ten questions which schools arguably need to consider, and to which they need to publish the answers, at least in summary form.

Narrowing the gaps

- To narrow the gaps in English at KS3 and KS4 between girls and boys, and between pupils for whom English is an additional language and pupils for whom English is the first language.
- To narrow the gap in attendance rates between Gypsy Roma Traveller children and other children throughout the school.
- To narrow the gaps in mathematics and science between children of certain specific minority ethnic backgrounds and other children at key stage 2.
- To narrow the gap in the experience of punishments and sanctions between pupils from low-income households and other pupils.

NOTE: This not an equality objective within the meaning of the Equality Act 2010, since low household income is not one of the protected characteristics listed in the Act. A school might well, however, wish to adopt an objective such as this, along with objectives which do count as equality objectives within the meaning of the Act.

- To narrow the gap in participation in the public life of the school between disabled pupils (including learning-disabled pupils) and other pupils.
- To narrow the gap in mathematics between boys and girls at the end of Key Stage 1.

Fostering good relations

- To reduce the incidence of prejudice-related bullying, hostility and suspicion throughout the school, particularly in relation to homophobia and sexism, and hostile attitudes and behaviour towards people who are disabled.
- To promote and enhance community cohesion and a sense of shared belonging in the school, and in the school's neighbourhood.
- To promote spiritual, moral, social and cultural development through the teaching of English and literacy, with particular reference to issues of equality and diversity.

Questions about each objective which a school adopts

With regard to each objective which a school selects, it will need to consider questions such as those listed on the next page.

1. Background evidence

Why have we chosen this objective? For example, and particularly, what relevant data do we have? Is the rationale for the objective clearly indicated in the information which we have published, as outlined in Part One of this paper?

2. Procedure

What in practice are we actually going to do? For example, what new materials are we perhaps going to purchase?

3. Responsibility

Who will be responsible for ensuring the objective is pursued and achieved?

4. Measurable success indicators

What will count as relevant and measurable evidence that we are succeeding, or have succeeded?

5. Timings

By when do we expect to see signs of progress or success?

6. Expense

How much are we budgeting, and on what items of expenditure in particular?

7. Resistance

Who may opposed or lukewarm? How shall we respond to them?

8. Problems

What problems or difficulties may arise, and how shall we deal with them?

9. Learning from others

What plans do have for finding out what has worked well elsewhere? Do some or all staff need extra training?

10. Engagement

Who have we consulted when deciding on this objective?

Further information about the new legal landscape

There is further information in a paper entitled *The changing legal framework* at <http://www.insted.co.uk/legal-frameworks.pdf>. It contains links to several official documents published by the Department for Education (DfE), the Government Equalities Office (GEO) and the Equality and Human Rights Commission (EHRC).